

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Tri-State Paper, Inc.

Chapter 11

Debtor.

Bky. No. 23-13237 (PMM)

Tri-State Paper, Inc.

Plaintiff.

Adv. No. 23-0085 (PMM)

v.

Pizza Village Tomato Pie LLC,
Defendant.

ORDER REQUIRING SERVICE OF COMPLAINT

AND NOW, this Adversary Proceeding having been filed on November 11, 20223;

AND no answer or responsive pleading having been filed;

AND, on Motion of the Plaintiff, the default entered having been set aside, doc. #15;

AND the Plaintiff having represented in its Motion that the summons and complaint sent to Defendant were returned as “undeliverable,” doc. #11;

BUT the Plaintiff having failed to reissue service to the Defendant;

AND, pursuant to Federal Rule of Civil Procedure 4(m), made applicable by Bankruptcy Rule 7004:

If a defendant is not served **within 90 days** after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--**must dismiss the action** without prejudice against that defendant or order that service be made within a specified time. But **if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.** . . .

(emphasis added);

It is therefore hereby **ordered** that that the Plaintiff **must re-serve** the summons and

Complaint on or before **February 9, 2024** or this Adversary Proceeding may be dismissed for lack of prosecution.



Date: 1/31/24

PATRICIA M. MAYER
U.S. BANKRUPTCY JUDGE